

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

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U.S. DISTRICT COURT  
SAN JUAN, P.R.

CARLOS SANCHEZ-RAMOS and DIANA  
CRISPIN-REYES

Plaintiffs

vs

CIVIL 98-2425CCC

PEDRO TOLEDO, personally and in his  
official capacity; PUERTO RICO POLICE

Defendants

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**O R D E R**

Plaintiffs, two police officers of the Commonwealth of Puerto Rico, have brought this action under the Fair Labor Standards Act (FLSA), 29 U.S.C. §216(b), seeking overtime pay for hours worked in excess of the 40-hour work week. Named as defendants were the Police Department of the Commonwealth and its Superintendent Pedro Toledo, the latter both in his official and personal capacities. The Police Department and Superintendent Toledo, in his official capacity have moved for dismissal invoking the immunity provided by the Eleventh Amendment (**docket entry 7**), and plaintiffs concede that they are in fact immune (**docket entry 8**, p. 1). See also Mills v. State of Maine, 118 F.3d 37 (1<sup>st</sup> Cir. 1997) (holding that the Eleventh Amendment bars a federal suit for overtime pay under the FLSA brought by state employees against the State of Maine). Accordingly, defendants' motion to dismiss (**docket entry 7**) is GRANTED. Partial judgment shall be entered by separate order DISMISSING this action as to defendants Police Department and Pedro Toledo in his official capacity. Defendants' motion for leave to reply (**docket entry 9**) is MOOT.

The sole surviving claim lies against Superintendent Toledo in his personal capacity. Defendant Toledo shall answer the complaint within the term of ten (10) days after notice of this order.

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CIVIL 98-2425CCC

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**The initial scheduling conference is RESET for APRIL 13, 2000 at 9:00 A.M.**

**SO ORDERED.**

**At San Juan, Puerto Rico, on March 23, 2000.**



**CARMEN CONSUELO CEREZO**  
United States District Judge